

CANADA.

COPY of an EXPLANATORY MEMORANDUM,
addressed by Sir Francis Head to Lord Glenelg,
dated the 21st of May last.

(*Captain Wemyss.*)

Ordered, by The House of Commons, to be Printed,
18 June 1838.

Not in REMAINING

CANADA.

RETURN to an ADDRESS of the Honourable The House of Commons,
dated 14 June 1838;—for,

COPY of an EXPLANATORY MEMORANDUM addressed by Sir Francis Head to
Lord Glenelg, dated the 21st day of May last.

Colonial Office, Downing-street, }
15 June 1838.

G. GREY.

MEMORANDUM.

SIR FRANCIS HEAD having received from his friends a list of the questions which, previous to his arrival in England, appear to have been raised against the measures by which he repressed the rebellion in Upper Canada, requests permission to leave on record in the Colonial-office the following explanations:—

19 May 1838.

QUESTIONS.

Question 1. Why did Sir Francis Head, just on the eve of a political insurrection in Upper Canada, incautiously remove Her Majesty's troops from the province?

Question 2. Her Majesty's troops having been removed from Toronto about the end of October, and the insurrection in Upper Canada having broken out on the 4th of December, why did not Sir F. Head, in the intermediate time, call out the militia? Why, to quote his own words, did he allow Mr. M'Kenzie "to say what he chose, write what he chose, and do what he chose;" in short, when an attack was threatened, and while Mr. M'Kenzie's adherents were actually assembling with loaded fire-arms, why, in a moment of such danger, did Sir Francis Head stand, as he has described himself, with "folded arms"?

Question 3. Without denying the legality of the destruction of the Caroline steam-boat, can Sir Francis Head deny that that hostile act was likely to inflame, rather than allay, the violent excitement or sympathy which was raging among the Americans in behalf of the rebels of Upper Canada?

Question 4. Why did Sir Francis Head, in his speeches on assembling and on proroguing the Provincial Legislature, utter reflections against republican institutions, and against the conduct of the people of the neighbouring states, which he must have foreseen could not but irritate the Americans? Why were his despatches to Mr. Fox, Her Majesty's minister at Washington, written in the same incautious tone? Why were these state documents so unnecessarily long? And why, instead of being kept secret, were they (as if reckless of consequences) published in America?

Question 5. On retiring from the government of Upper Canada, why did Sir Francis Head rashly return to England through the United States?

ANSWERS.

Answer 1. In the month of October last, the officer commanding the troops in Upper Canada waited upon me to show me an order he had just received from the Adjutant-general at Quebec, desiring the removal of the troops from Toronto, excepting about a company, which were to be retained as a guard for Government-house, the Commissariat, &c.

I also received by the post a note from Sir John Colborne, dated Montreal, 10th October, politely explaining to me the reasons which had compelled him thus to withdraw from Upper Canada as many companies as I could spare him;

to which note I most cheerfully replied, on the 17th of October, by saying that, excepting the company at Bytown (which in another communication I particularly desired might be retained), I considered that the province could dispense with as many of Her Majesty's troops as he might deem it desirable to require.

On the 31st of October I again not only informed Sir John Colborne of my willingness to carry his wishes into effect, but feeling that one company of regular troops, to defend a country as large as England and Wales, would do me infinitely more harm than good, inasmuch as their presence would prevent me from throwing myself entirely upon the people, thus obtaining a moral instead of a military victory, I urged Sir John Colborne, as strongly as I possibly could write, to take away every soldier from the province excepting the detachment at Bytown.

Sir John Colborne readily complied with this request, and having, I feel confident, good reason to believe that he moreover required the company at Bytown, he removed it also into Lower Canada.

Observing the storm that was brewing up around him, Sir John Colborne subsequently applied to me in the most urgent terms for the further assistance of a considerable portion of the Upper Canada militia. A short amicable correspondence ensued on this subject, which will be sufficiently explained by the following copy of the concluding letter, which I addressed to Sir John Colborne only two days before the insurrection burst out at Toronto:—

(Copy.)

My Dear Sir John,

Toronto, 2 December 1837.

It is with the deepest regret I feel it necessary to inform you, that for the reasons contained in my letter to you of the 20th ultimo, I should not feel justified in complying with the request I have just received from you, "to call out the militia of Upper Canada, and endeavour to send to Montreal as many corps of the Upper Province as may be induced to volunteer their services at this critical period."

Mr. Papineau's agents in this province are doing everything in their power to create intimidation on account of the departure of the troops; and though I am of opinion that there exists no real ground for alarm, yet I am sure it would create a great deal of popular uneasiness and dissatisfaction were I to encourage our most zealous defenders to leave this province.

But I am also of opinion, that when it came to the point, there are not many who would volunteer to remain away from their farms for the purpose of fighting for the Lower Canadians, particularly if it appeared that they themselves had not taken the field.

I consider that Lower Canada can never be lost, so long as the Upper Province maintains its loyalty. In case the Lower Province should, for a short time, fall into the possession of the rebels, I feel confident, Upper Canada could not only do without troops, but would effectually assist the British Empire in recovering by force that portion of its dominions.

But I think, if I were to attempt more than this, and undertake for a whole winter, to fight the battles of Lower Canada, as well as our own, it might prove more than we could perform, and in attempting too much, we might lose all. I will, however, immediately proceed to get the whole militia of the province into a state of readiness for action.

The Montreal papers have brought us reports of rather a later date than your despatch of the 24th ultimo. You have indeed a difficult duty to perform, and I hope I need not add, that no one more ardently prays for your success than,

My Dear Sir John,

Yours, &c.

(signed) F. B. Head.

Answer 2. As soon as Her Majesty's troops, having evacuated Upper Canada under the circumstances just stated, had marched to the assistance of the Lower Province, it may easily be imagined I felt very deeply the immense responsibility which rested upon my conduct.

With nothing whatever to fear, I had yet to contend with the fears of others, and as several people expressed aloud great alarm at seeing the province without troops, I deemed it proper to assemble my council, for the purpose of deliberating on what ought to be done.

With

With a view to appease the fears I have described, we unanimously agreed that a volunteer militia corps of observation of 20,000 men should immediately be enrolled; and a militia general order to that effect was not only drawn up in council, but was actually printed that day, and brought to the Government-office for circulation; however, during this short interval, having had time to give deeper consideration to the subject, I again convened the council, and submitted to their serious consideration,—

That as the loyalty of the province of Upper Canada, had been tested and recorded at the late elections, we had nothing in reality to dread but a broken down, unprincipled agitator, who, having sunk in public estimation, exactly in proportion as he had been neglected, had long been making every possible effort to force me to buoy him up by a Government prosecution. That however it might appease the fears of the timid, nothing would in fact be a greater benefit to this reptile, than that, from apparent dread of him, the Executive Government should call out 20,000 of the brave and loyal militia of the province. That this measure, combined with the concentration of Her Majesty's troops of the North American Colonies in Lower Canada, would not only produce incalculable mischief in England, by imparting to the people of the old country a false idea of the devoted attachment of the people of Upper Canada to British institutions, but that it would be sure to end in the apparent disaffection of the militia, who, in the brilliant history of their province, had shown that, while they would lose their lives to maintain their connexion with their mother country, yet they would never uselessly remain absent from their farms. That, on enrolling the names of 20,000 volunteers, it would immediately be promulgated by the agitator that the Government was afraid of the people of Upper Canada, and had therefore determined to select and arm the Tories to put them down.

For the above and many other minute reasons, the Council came to the determination that the Attorney-general should immediately be directed especially to watch the movements as well as writings of Mr. M'Kenzie; that he should report to the Executive Government, for the purpose of the apprehension of the agitator, the first act of overt treason; but that instead of the Government allowing itself to be trifled with, or agitated by such a man, it should not strike till the tiny enemy was clearly within its reach, and that, therefore, the order for the enrolment of 20,000 men should be rescinded, and accordingly it was rescinded.

Having thus deliberately determined to wait until Mr. M'Kenzie should commit himself, I was not idle in appealing to the noble feelings of the province; for instance, on the militia of Toronto offering to mount guard over Government-house, which had been abandoned by the troops, I replied, that I could not consent to receive any other protection than the laws afforded to every other inhabitant of the province; in short, I took every opportunity of making the brave and loyal people of Upper Canada feel that Her Majesty's representative stood among them, as I justly described myself to the Home Government, "with folded arms."

I felt confident that this attitude, if brought out in bold relief before the mind of the people, would produce an infinitely stronger effect than if I had appeared everlastingly changing my position in ignobly wrestling with an insignificant agitator. However, notwithstanding the attitude which in public I deemed it politic to assume, I privately made all the arrangements in my power to be ready to move whenever the proper moment should arrive.

Instead of leaving 6,000 stand of arms in the fort, which is a mile away from Toronto, I gave them in trust to the mayor, a vigilant, intelligent, loyal man, who, at my suggestion, deposited them in the centre of the city in an isolated building which any military man would at once declare could, with the artillery and city artillerymen we possessed, be successfully defended by 50 men against 1,000 regular troops.

A sufficient guard of sworn constables was immediately appointed by the mayor to protect these arms; a much stronger body were warned to be in readiness to join them; and I, almost daily, confidentially consulted with Colonel Fitzgibbon, the adjutant-general of militia, upon the rendezvous and the plan we would pursue in case the rumoured attack upon the city should be attempted.

By the operation of this passive or silent system, Mr. M'Kenzie's situation became rapidly desperate. If he could but have irritated me to have arrested a few of his followers for assembling as they did, in small numbers with loaded fire-arms (which he would instantly have declared had been merely collected to shoot squirrels), his system of agitation would have prospered; but, from being unopposed,

unopposed, he found himself listened to eagerly by a few powerless individuals who had become his adherents from misrepresentations and falsehoods, which every hour was dispelling; besides this, he had reason to believe that his New York creditors (who I understand have now imprisoned him) were actually on the road to Toronto to arrest him for his debts.

Under these circumstances he determined to make a desperate effort to rob the banks of Toronto, which he well knew were teeming with specie, and there can be no doubt, if he and Dr. Rolph had succeeded in this plot, that they would have immediately absconded to the United States, and that the reformers of Upper Canada, deserted by their agitators, would have been exhibited as a moral in politics instructive to the world.

With this object in view, Mr. M'Kenzie made every exertion to collect a crowd. To those ripe for plunder and revolution he mysteriously alluded to the coffers of the bank; others he gained by assuring them that the chief justice of the province was ready to join them; others were told that the receiver-general would declare himself in their favour; all were assured that clouds of Americans were marching to join them.

By falsehoods of this nature, and by indefatigable exertions, Mr. M'Kenzie managed to delude about 500 men, who were secretly warned to assemble at Montgomerie's Tavern on the night of the 4th of December.

Although this intended arrangement was known only to a few guilty individuals, yet the publication of Mr. M'Kenzie's last weekly newspaper, and other circumstances, induced the attorney-general to believe that the traitor was at last within the reach of the firm grasp of the law. Accordingly, having assembled my council, as also the law officers of the Crown, we unanimously adopted resolutions which were committed to writing, and of which the following is a copy:—

1. *Resolved*, That Mr. M'Kenzie be arrested for high treason, immediately after the publication of his next paper.
2. *Resolved*, That he be committed to some place of safe keeping in Toronto.
3. *Resolved*, That his papers be seized if found treasonable.
4. *Resolved*, That two regiments of militia be organized and armed.
5. *Resolved*, That a body of militia be placed in charge of the fort.
6. *Resolved*, That the militia artillery be increased as the adjutant-general shall advise.

The very day before these arrangements were to be executed, Mr. M'Kenzie (on the 4th of December) carried his insane project into effect, by assembling his 500 deluded followers. Abandoning Government-house, I immediately retired to the arms which I have already stated I had placed in a position, which, to troops without artillery, was impregnable.

From this spot I immediately wrote and despatched three notes in pencil, as follows:

“Militia of _____ forwards.”

“F. B. H.”

On the promulgation of these words, 10,000 men, in the depth of winter, at once rushed to my assistance.

On the 7th of December, Mr. M'Kenzie's conspiracy tumbled to pieces like a rope of sand in all directions; he and his victims fled before the militia; the leaders absconded to the United States, and so completely were they defeated, that the following day placards by my order were posted on all the public roads, proclaiming that there was no further occasion for the resort of militia to Toronto; and seeing that I could now safely afford to lend assistance to the Lower Province, I at once, by a general militia order, placed the militia of the seven eastern counties of Upper Canada at the disposal of Sir John Colborne.

Answer 3. The insurrection in Upper Canada having been thus completely quelled, I suddenly learnt (I own with astonishment) that the republican citizens of the United States were preparing to invade us! A body of these citizens, under an American leader, accordingly violated and took possession of Navy Island, the territory of Her Britannic Majesty. Public meetings were assembled in various parts of the United States; public subscriptions were entered into; placards, headed by the American Eagle, and signed by a committee of 10 or 12 citizens, were openly displayed, calling for arms, ammunition, and provisions. The government arsenals on the frontier (in which, strange to say, were found all ready-deposited, immense quantities of arms) were broken open and plundered in broad daylight;

daylight; 22 pieces of United States artillery were also transported to our island: and yet, while this infamous transaction was going forward, the governor of the state of New York addressed his legislature in his opening speech without in the slightest degree even alluding to the subject.

Our danger was imminent; our expenses enormous. I knew that Sir John Colborne could not conveniently render me much assistance; as the winter had set in, I had nothing whatever to expect from the mother country. From the interior of the United States, people in large bodies were marching from various directions to join in the attack. Our predicament became to the Americans a subject of amusement and ridicule, and parties even of ladies were seen crowding over to Navy Island to admire the preparations for the victory which they had determined to gain.

In the midst of this dark moral scene, and while the citizens of the United States scarcely dreamt that we should dare to offer to their attack even resistance, their steam-boat, the *Caroline*, was suddenly seen drifting in flames towards the falls of the *Niagara*!

The magic effect of this bold measure of Colonel M'Nab's, which was immediately ratified by my unqualified approbation, was beyond description.

The inhabitants instantly fled from the American frontier villages, the citizens of Buffalo threw themselves into the greatest alarm, immense expenses for defence were immediately incurred, our invaders approaching from the interior halted as if the bugle had ordered them to do so. The attention of the federal as well as of the state government were forced to an instantaneous consideration of their duties, and both clearly saw that, although they might attack us openly if they chose, we would not stand with "folded arms" to allow ourselves to be surrounded and hustled out of Upper Canada by a mob.

Answer 4. The invasion of Upper Canada by American citizens, and the consequent destruction of the *Caroline*, having been thus brought before the consideration of the Congress at Washington, of the state government, and of the whole American people, it became of vital importance that, as no man living in a republic can ever dare to argue against the passions of the people, I should avail myself of the few legitimate opportunities I had in opening and proroguing the Provincial Legislature, and in my despatches to Mr. Fox, to appeal to the judgment of the American people, and, without fear or flattery, first show them the position in which they stood, and then, by comparing their conduct with the noble principles of the old governments of Europe, make them ashamed of themselves.

The arguments I used were never intended to please the American people, but by truth and reason to endeavour to stop their unjust invasion of Her Majesty's dominion; they were also intended to excite the people of Upper Canada to fight in its defence.

Considering the invasion with which we were still threatened, I conceived it to be absolutely my duty, by any means in my power, to lay before the American people the incontrovertible fact, that by the removal of Her Majesty's troops, as also by the surrender of 6,000 stand of arms to the civil authorities, the people of Upper Canada had virtually been granted a free opportunity of revolting, and consequently that, as the British constitution had been protected solely by "the sovereign will of the people," it became, even by the greatest of all republican axioms, "the only law of the land."

The result of this pacific course of policy now speaks for itself.

The destruction of the *Caroline*, and the arguments in my official documents have not infuriated the American people, but, on the contrary, those who were exciting and assisting them, first deserted, and then disavowed their cause; perfect tranquillity has been restored to Upper Canada without a single American having put his foot on any portion of its free soil, except its islands; and above all, the honour of the British name still shines in the Canadas, unsullied.

My despatches to Mr. Fox having been connected with the destruction of the *Caroline*, were, excepting one, submitted by request to the Provincial Legislature, by whose order they were published; and with respect to their lengthiness, whenever the expense of the invasion of the Canadian territory comes under the consideration of this country, it will, I expect, be acknowledged that I was merely performing a dry, but most necessary duty, in furnishing Her Majesty's Minister at Washington with all possible evidence and facts on the subject.

6 EXPLANATORY MEMORANDUM BY SIR FRANCIS HEAD.

Answer 5. On retiring from the Government of Upper Canada, I determined that I would at once cease to agitate the public mind, and therefore having learned that preparations were making in Montreal, Quebec, New Brunswick, and Nova Scotia to receive me publicly, I deemed it advisable to cross the United States and embark at New York.

By matured arrangements, which need not be detailed, I safely arrived at that city, where, instead of finding that my political conduct had offended the good sense of the country, I experienced, on the contrary, the most flattering and liberal reception.

Neither at the public table at which I dined, nor at the theatres which I openly visited, nor at my embarkation, which was attended by a large crowd of people, did I receive the slightest incivility, or even a solitary expression of disapprobation. I most deeply appreciated this conduct, and though I maintain that their invasion of Upper Canada was a breach of the laws of nature and of nations, I must say that my departure from the American people will induce me never to regret that I ended my Canadian troubles by a straight line.

F. B. H.
